1552

SUPREME COURT OF THE UNITED STATES.

No. 234.

THE UNITED STATES, APPELLANTS,

vs.

JOHN M. PINTARD'S WIDOW.

APPEAL FROM THE DISTRICT COURT, U. S., FOR THE EASTERN DISTRICT OF LOUISIANA.

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Gideon, Printer.

United States district court, eastern district of Louisiana—sitting in chancery.

PINTARD
vs.
THE UNITED STATES. } No. 136.

Be it remembered, that heretofore, to wit, on the 16th day of June, being at the May term, A. D. 1846, of the said court, Pintard, (John M's.) widow, Elizabeth Smith, by her attorney, L. Janin, esquire, came into the office of the clerk of said court and filed her petition, which is in the words and figures following, to wit:

To the honorable district court of the United States for the district of Louisiana.

The petition of Elizabeth Smith, the widow of John M. Pintard, residing in the State of New York, respectfully shows:

That during the latter part of the Spanish dominion in Louisiana, Juan Ventura Morales was the chief of the financial and of the land department of said government, both in the province of Louisiana and in the province of West Florida, and, as such, authorized to grant or sell the lands belonging to the king's domain.

That in the year 1803, and in several subsequent years, the said Morales sold in his aforesaid capacity, and with the express approbation of the King of Spain, to various individuals, principally inhabitants of Louisiana, a number of tracts of land lying in that part of the province of West Florida which is now a part of the State of Louisiana.

That among the persons to whom such sales were made was John Lynd, who was at the date of his hereafter mentioned purchase, and up to the time of his death, an inhabitant of Louisiana.

That the said John Lynd applied to said Morales on the 26th of September, 1803, to be permitted to purchase 40,000 arpens of land in said district; that on the 28th of the same month and year an order of survey for the said 40,000 arpens was issued; that from the 7th to the 9th of November, 1803, the government surveyor surveyed for said Lynd 32,025 arpens, and that the complete title was issued by the said Morales.

That the premises will more fully appear from the said title and said plats of survey, which will be produced whenever it shall be necessary.

That by an act passed before Pierre Pedesclaux, then a notary public in and for the parish of Orleans, on the 21st of June, 1808, the petitioner acquired from the said John Lynd, by an exchange for other property, a tract of 3,780 arpens, lying on the eastern bank of Sandy creek, bounded at the north and at the south by Armand Duplantier and Christoval de Armas, at the east by said Lynd, and at the west by said Sandy creek.

That by an act passed before Carlile Pollock, also a notary public in and for the parish of Orleans, on the 24th of May, 1817, your petitioner bought from the said John Lynd a tract of 310 arpens, bounded on the upper side by lands owned by Patrick Forkes, on the town side by lands of Carlos Ramos, and in the rear by lands supposed to be vacant.

That both said tracts are part of the 32,025 arpens purchased by said John Lynd from the Spanish authorities aforesaid.

Your petitioner shows that in pursuance of an act of Congress, approved on the 25th of April, 1812, and entitled "an act for ascertaining the title to lands in that part of Louisiana which lies east of the river Mississippi and island of Orleans," the said John Lynd, acting also on behalf of the petitioner, filed his aforesaid claim for 32,025 arpents with the commissioner for the district west of Pearl river, created by said act of Congress, to be by him reported upon; and that said commissioner made in the year 1815 a report on said claim, and on others of the same description, declaring that, in his opinion, they were not entitled to confirmation, because the section of country in which they lay was at the time when said titles were issued by the Spanish Government within the limits of Louisiana.

And the petitioner avers, on the contrary, that at said time the said district of country was still a part of the Spanish province of West Florida, and was not ceded to the United States until the treaty of the 22d February, 1819, commonly called "the Florida treaty."

Petitioner further shows that she and the said Lynd, and others owning similar claims, have, since said report, made frequent though unsuccessful efforts to obtain a decision of Congress on this said claims; and that by an act of Congress, approved on the 17th June, 1844, entitled "an act to provide for the adjustment of land claims," &c., your petitioner has been authorized to submit her said claim to this honorable court for inquiry and adjudication.

And petitioner further shows that, if the language of the treaty of cession of Louisiana to the United States was such as to leave it doubtful whether the said district of country was included within the limits of Louisiana as transferred to the United States or not, they pray to be permitted to show, that both the French and Spanish Government sincerely entertained the conviction that it was not so included; that the Spanish Government, if in error, was at least in good faith when it made said sales; that such was also the persuasion of the purchasers who paid for said lands what then was their full value; that this conviction was strengthened by the continued possession by Spain of said district of country, and that the equity powers conferred on this honorable court enable it to entertain this inquiry, and to confirm this claim, whatever might be the true construction of said treaty of cession.

The petitioner avers that she is not aware, and does not believe, that any persons are in possession of any part of said land without titles, or claim any part of said lands under titles different from that of the petitioner, except under purchases and donations from the United States.

Wherefore the petitioner prays that the United States of America by their district attorney for the district of Louisiana be cited; that the title of the petitioner to the aforesaid tracts of land be declared valid and confirmed; that the surveyor general of the United States for the State of Louisiana be ordered to make a survey of said land, and to certify on his plat of survey what portion of said land has been sold or otherwise disposed of by the United States; and that for the quantity of land so sold or disposed of by the United States she be permitted to enter an equal quantity of land in any land office in the State of Louisiana.

And the petitioner prays for all such other and further relief as the nature of the case may require, and to justice and equity may appertain.

(Sig'd,) L. JANIN,
Of counsel.

And thereupon, at the same term, and on the 23d day of June, A. D. 1846, was issued from the clerk's office the following

Citation.

United States district court, sitting in and for the district of Louisiana, to the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, United States attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court to be holden at New Orleans, on the first Monday in August, 1846, then and there to answer a petition in chancery filed against the United States, wherein Elizabeth Pintard is petitioner, and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this 28th day of August, New Orleans, 1846, and 70th year of American independence.

[SEAL.]

(Signed,) L. E. SIMONDS,
D'y Clerk.

Mem.—The defendant is to enter an appearance in the clerk's office, on or before the first Monday of August, 1846, otherwise the petition may be taken pro confesso.

On which was duly registered, in the clerk's office the following

Marshal's return.

Received this 22d day of June, 1846, and on the same day I served copies of the within citation, plaintiff's petition, and documents annexed, on the within named S. W. Downs, esquire, United States attorney,

in the manner following, to wit, in person at New Orleans; and made this return, June 22d, 1846.

For WM. F. WAGNER,
U. S. Marshal.

(Signed) J. H. RINEHART,
Deputy U. S. Marshal.

Returned and filed, June 22d, 1846.

And afterwards, at the same term, to wit, on the 2d day of November, A. D. 1846, appeared the defendants, by their attorney, and filed the following

Demurrer.

PINTARD
vs.
THE UNITED STATES. } No. 136.

In the district court of the United States, for the district of Louisiana.

The defendants, not confessing or acknowledging all or any of the matters and things in the petition contained to be true, in such manner and form as the same are therein set forth and alleged, do demur in law to the said petition, and for cause of demurrer show, that the petitioner has not, by his petition, made such a case as entitles him, in this court, to relief under the act of 17th June, 1844; for this, that the said petition alleges that the region of country in which the land described is situated never was a portion of the French or Spanish province of Louisiana, but was a portion of the former Spanish province of West Florida, and not ceded to the United States until the treaty with Spain in 1819.

Defendants allege that the act of Congress, under which petitioner has brought his suit, provides only for the cases of those who claim lands in that part of the province of Louisiana which is now situated in the State of Louisiana.

Wherefore defendants demur to said petition, and pray judgment, whether they shall be compelled to make other answer to said petition, and pray to be hence dismissed.

(Signed) THOMAS J. DURANT,
Att'y, U. S., for Louisiana.

And further, at the May term, to wit, on the 28th day of May, A. D. 1849, was duly registered on the *the* minutes of said court, the following

Submission of demurrer.

PINTARD, widow of,
vs.
THE UNITED STATES. } No. 136.

The demurrer filed in this cause on the 2d of November, 1846, came up to-day for hearing; Miles Taylor, esq., of counsel for the complainants, and Thomas J. Durant, esq., for the defendants, appearing;

when, after hearing argument, the court took the same under advisement.

And further, at the same term, to wit, on the 29th day of May, A. D. 1849, was duly recorded on the minutes of said court, the following

Judgment on demurrer.

PINTARD, widow of,
vs.
THE UNITED STATES. } No. 136.

Having duly considered the grounds set forth in the demurrer filed in this cause on the 2d of November, 1846, the court doth now order and decree that said demurrer be overruled, and that defendants answer to the merits of this case.

Whereupon, at the same term, to wit, on the 30th day of May, A. D. 1849, appeared the defendants by their attorney, and filed the following

Answer.

PINTARD
vs.
THE UNITED STATES. } No. 136.

To the honorable Theodore H. McCaleb, judge of the district court of the United States, for the eastern district of Louisiana.

The answer of the United States to the petition of Pintard.

The defendants, now and at all times hereafter saving and reserving to themselves the benefit of all exception which can be taken to the many errors, uncertainties, and other imperfections in the said petition contained, for answer thereto or to so much thereof as these defendants are advised is material or necessary for them to make any answer unto:

These defendants answering say, that by the face of the petition the petitioner has no right to recover, because said petition alleges that the region of country in which the land claimed is situated never was a portion of the French or Spanish province of Louisiana; and therefore the defendants say that the petitioner cannot recover, because the law under which the petition is filed provides only for those cases where land is claimed lying in that part of the province of Louisiana which is now situated in the State of Louisiana.

And further answering defendants say, that they know nothing of the various matters and things set forth in petition, and they claim such rights and interests under the treaties and statutes pertinent to this matter as this honorable court may deem them entitled to.

And the defendants deny all and singular the allegations in petition which are charged against them; without this, that there is any other matter, cause, or thing, in the said petition contained, material or necessary for them to make answer unto, and not herein well and sufficiently answered, confessed, traversed, avoided, or denied, is true to the

knowledge or belief of the defendants; all of which matters and things they are ready and willing to aver, maintain, and prove as this honorable court shall direct, and they pray to be hence dismissed with costs.

(Signed) L. HUNTER, *U. S. att'y.*
THOMAS J. DURANT,
On behalf of the United States.

And afterwards, at the same term, to wit, on the 30th day of May, A. D. 1849, was recorded the following

Continuance.

PINTARD, widow of, vs. THE UNITED STATES. } No. 136.

This cause having been called up for hearing, it was, on motion of Miles Taylor, esq., of counsel for the plaintiffs, continued to-morrow, the 31st, at 10 a. m.

And afterwards, at the same term, to wit, on the 31st day of May, A. D. 1849, was entered of record the following

Submission of cause.

PINTARD, widow of, vs. THE UNITED STATES. } No. 136.

By consent of parties present, Louis Janin, esq., for complainant, and Thos. J. Durant, esq., on behalf of defendants, this cause is, on the evidence about to be adduced in the case of the Heirs of John Lynd versus the United States, and subject to all the exceptions thereto taken, submitted to the court.

And thereupon, on the same day, was filed the following

Written consent.

PINTARD vs. THE UNITED STATES. } No. 136.

The plaintiff gives in evidence.

1st. An act of sale from John Lynd to Eliza S. Pintard, the plaintiff, passed before P. Pedesclaux, notary public, on 21st June, 1808.

2. An act of sale from the same to the same, passed before Carlile Pollock, notary public, on May 24, 1817.

3. All evidence in the suit of the Heirs of Lynd vs. the United States, No. 120, subject to the same exceptions which have been or may be made to them in the *both* mentioned suit, the decision of the court on said exceptions, and objections being applicable to both cases.

(Signed) THOMAS J. DURANT,
For U. States.
JANIN & TAYLOR,
For plaintiffs.

Evidence.

1°. Vente par échange, le 21 Juin, 1808, entre Dme. Eliza S. Pintard et Jean Lynd.

Adjourd' hui le vingt uniéme jour du mois de Juin de l'année mil huit cent huit, la trente deuxiéme de l'indépendance Américaine.

Pardevant nous, Pierre Pedesclaus, notaire publique des Etats Unis d'Amérique, à la Nouvelle Orléans.

Fut présent le Sr. Jean M. Pintard, fondé de la procuration de Dame Eliza S. Pintard, agissant pour elle et en son nom vue son absence, à l'effet des présentes d'un part.

Et le Sr. Jean Lynd, notaire publique des Etats Unis d'Amérique à la Nouvelle Orleans, d'autre part.

Entre lesquelles parties out été fait les promesses et ventes par échange dans la forme suivante:

Savoir, est que le dit Sr. Jean M. Pintard, es nom a par ces présentes, vendu, cédé, quitté, et transporté, avec promesse de garantie de tous troubles, dettes, hypothèques, évictions, et autres empéchmens généralement quelconque, ce qu'a été certifie par l'annotateur quant à l'hypothèque au dit Jean Lynd cy présent et acceptant pour lui, ses hoirs, ou ayant causes.

Un demi arpen de terre de face au fleuve avec tous ses batisses, circonstances and dependances, situé à quatre miles de cette ville, par en bas et de ce même bord, joignant d'un coté à l'habitation au Sr. Guillaume Brown, et de l'autre au Sr. Edmond Macarty, avec la profondeur enoncé dans l'acte du Sr. Pre. Donis de la Ronde au Sr. Laurent Sigur.

Le susdit demi arpen formant un angle ouvert suivant toujours le canal, jusqu'il parvient à deux arpens et demi de face, et de cette profondeur courant une ligne parallele à la barrière du susdit Edmond Macarty.

La dite terre estimée à la somme de neuf mille cinq cent piastres, et sujette à recevoir les écoulemens du canal du moulin jusqu'à la profondeur de six arpens, et de cette profondeur dans tonte celle qu'elle a à laisser au bord du canal une espece de dix pieds tant pour recevoir les écoulemens que pour y étendre la terre s'il convient au Sr. Nicolas Roche, appartenant à la dite dame pour l'avoir acquise du Sr. Jean B. Prévost, par acte à notre rapport datté le dix Juillet mil huit cent sept.

En échange duquel demi arpen de terre et édifiées le dit Sr. Jean Lynd a payé comptant au dit Sr. Jean M. Pintard es nom la somme de mille neuf cent quarante piastres espece des Etats Unis, et dont il donné quittance; et en outre il lui a vendu, cédé, quitté et transporté, avec promesse de garantie de tous troubles, dettes, hypothèques, et autres empéchmens généralement quelconque, à l'exception d'un hypothèque sur la totalité de la concession en faveur du Sr. Daniel Clark, pour la sureté du paiement de la somme de quatre mille deus cents trente trois piastres et vingt cinq cents, selon le certificat de l'annotateur,

auquel hipothèque le Sr. Pintard a déclaré être content et avoir connoissance.

Un morceau de terre sous le No. trois, de trois mil sept cent quatre vingt arpens sur la rive orientale de la ravine de St. Rosalie, (connue sous le nom de Sandy Creek,) estimés à deux piastres chaque arpen, faisant la somme de sept mille cinq cent soixante piastres, ce qui jointe à la sus ditte somme de dix neuf cent quarante piastres, fait l'ensemble de neuf mille cinq cent piastres, prix de la terre du Sr. Pintard, joignant le dit morceau de terre au nord, et au sud à des terres du Sr. Armand Duplantier et Christophe de Armas; à l'este au Sr. Lynd et au terrein No. deux, et à l'œste à la ditte ravine St. Rosalie au Sandy Creek; appartenant au Sr. Lynd, pour lui avoir été concédé avec plus grande portion par le Sr. Jean Ventura Morales, intendant de la Floride occidentale, le douze Juillet mil huit cent six.

La présente vente par échange faite et acceptée de bonne foi entre les parties, aux clauses et conditions c'y dessus stipulées sans aucun retour de parte d'autre, au moyen de quoi elles se sont respectivement desistés et separés en faveur l'un de l'autre de tout droit de propriété sur les objéts par elles c'y dessus échangés. S'en saisissant et vetissant réciproquement pour par elles en jouir en toute propriété, comme de chose à eux appartenant, dès maintenant et à toujours, et en prendre possession chacun quand bon lui semblera, car ainsi dont acte, et jugé de leur consentement.

Fait et passé en nôtre étude, à la Nouvelle Orléans, le jour et an que dessus, en présence des Seigneurs Jn. Bte. Ramirez et Toribio Valdez, avec l'assistance du Sr. Joachim Lozano, interprete pour le Gouvernment, qui a en fait la traduction dans l'idiome Anglais, et ont signé avec les parties et nous, notaire.

(Signé) JOHN M. PINTARD.
JOHN LYND.
JN. B. RAMIREZ.
JOAQ. LOZANO.
PIERRE PEDESCLAUX, *Notaire*.

Collationné.

Pour copie conforme à l'original, resté et déposé en mon étude pour y avoir recours. En foi de quoi j'ai signé le présentes, et y'ai apposé le sceau de mon office, à la Nouvelle Orléans, le 17e Juin, 1846.

(Signé) LOUIS T. CAIRE, *Not. Pub.*

[SEAL.]

2o. *Sale, John Lynd to Mad. Pintard, 24th May*, 1817.

STATE OF LOUISIANA, *city of New Orleans*.

Be it known that this day, before me, Carlile Pollock, notary public in and for this city, duly commissioned, came John Lynd, of this city, esquire, who declared that, in consideration of one dollar to him in hand paid, the receipt whereof is hereby acknowledged, he does by these

presents grant, bargain and sell, unto Mistress Elizabeth, widow [illegible], present and accepting, all that tract of land situated in Felicians parish, in this State, lying on Sandy creek, in front thereon eighty perches, in depth on the upper side four hundred and twenty perches, and on the lower side three hundred and fifty-six perches, containing an area of three hundred and ten arpents, with every thing thereon and thereunto appertaining and belonging; and all the right, title, and interest, claim and demand whatsoever, of him, the said John Lynd, of, in, and to the same; bounded on the upper side by land owned and occupied by Patrick Forbes, on the lower side by land of Carlos Ramos, and in the rear by lands supposed vacant; being part of a purchase made by him, the said John Lynd, of the Spanish Government of West Florida: To have and to hold the said tract of land, and all rights, privileges, and advantages to the same belonging, to the said Elizabeth, widow Pintard, her heirs and assigns, to their proper use and behoof, forever; and the said John Lynd, for himself and his heirs, the said land to the said widow Pintard, her heirs and assigns, shall and will forever warrant and defend against all persons whomsoever, claiming or to claim by, through, or under him or his heirs; and it is expressly agreed and understood, by and between the parties hereto, that in case of eviction of the said widow Pintard, her heirs or assigns, from said land, or any part thereof, all right of recourse against the said John Lynd and his heirs is renounced; and that he hereby conveys to the said widow Pintard such right and title as he has in and to said land, be the same more or less. Thus done and passed at New Orleans, this twenty-fourth day of May, one thousand eight hundred and seventeen, in presence of George Pollock and Peter Montamat, witnesses, who hereunto sign their names with the parties and me, notary.

(Signed) JOHN LYND,
ELIZABETH S. PINTARD,
GEORGE POLLOCK,
P. MONTAMAT,
CARLILE POLLOCK, *Not. Pub.*

I certify the foregoing to be a true copy of the original act extant in my current register, as witness my hand and seal of office. New Orleans, 27th May, 1817.

[SEAL.] (Sig'd) CARLILE POLLOCK,
Not. Pub.

And afterwards, at the same term, to wit, May term, 1849, on Wednesday, June 13th, 1849, was rendered and recorded, and, on the 14th June, 1849, duly engrossed and signed, the following

Judgment—May term, 1849.

WEDNESDAY, *June 13th*, 1849.

Present, hon. Theo. H. McCaleb.

WIDOW OF J. M. PINTARD
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This cause came on to be heard at the present term, to wit, on the 31st May last past, and was thereupon, by agreement, submitted to the court.

And the court having maturely considered the same, and being satisfied, from the evidence adduced, that John Lynd, then and up to the time of his death, many years after, a resident of the province of Louisiana, on the 26th of September, 1803, applied to Juan Ventura Morales, the chief of the financial and of the land department under the Spanish Government, both in the province of Louisiana and in the province of West Florida, to be permitted to purchase forty thousand arpents of land from the said Government; that, on the 28th day of September, 1803, the said Morales, having full power and authority so to do, made and issued an order of survey in favor of the said Lynd for the same; and that, from the 7th to the 9th of November, 1803, the Government surveyor surveyed the said land for the said Lynd in eleven tracts; and that the complete title therefor was afterwards issued by the said Morales.

And being further satisfied that the petitioner is the legal and true owner of the portions of the said lands claimed in her petition, by virtue of two public acts—one executed between the petitioner and the said Lynd, on the 21st day of June, 1808, before Pierre Pedesclaux, a notary public in the city of New Orleans, an authentic copy of which is now on file, by which she acquired, in exchange for other property described therein, a tract of land surveyed under the said order of survey in favor of the said Lynd, under No. 3, containing three thousand seven hundred and eighty arpents, situated on the east bank of the river St. Rosalie, commonly known as Sandy creek; and one executed between petitioner and the said Lynd, on the 24th day of May, 1817, before Carlisle Pollock, a notary public in the city of New Orleans, an authentic copy of which is now on file, by which she acquired, by purchase, a tract of land surveyed under the said order No. four, lying on the west side of the said Sandy creek, and fronting thereon, and containing three hundred and ten arpents superficial.

And being satisfied that the said sale and order of survey in favor of the said Lynd, and the surveys made in obedience thereto, were and are good and valid, as made by the said Spanish Government and under its authority, in favor of the said Lynd, and that the same are protected by the treaty made between the United States and the French Republic on the 30th of April, 1803, as well as by the laws of nations and the Constitution and laws of the United States, and might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the governments under which the same originated, had not the sovereignty of the country been transferred to the United States.

This court, acting under and by virtue of the act of Congress of the 26th May, 1824, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims, and also an act,

approved on the 17th of June, 1844, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the 31st degree of north latitude, and between the Mississippi and Perdido rivers," doth order, adjudge, and decree, and it is hereby ordered, adjudged, and decreed, that the petitioner, Elizabeth Smith, widow of John M. Pintard, is the true and legal owner of, and has good title against the United States, the defendants, in and to the lands claimed in her petition, and sold or granted to, and surveyed for, the said John Lynd, as represented in the plans numbers three and four, in doc. A, offered in evidence in this case, and now on file in the case of Lynd's heirs versus The United States, No. 120 of the docket, and lately decided by this court, making together four thousand and ninety superficial arpents comprised within the said Lynd's claim, and which are to be taken by petitioner from and out of the lands recovered and included in the same.

It is further ordered, adjudged, and decreed, that, in case said lands so claimed by the plaintiff in her petition, or any part or portion thereof, shall have been sold by the United States or otherwise disposed of, said plaintiff shall be, and she is hereby, authorized to enter, in any land office in the State of Louisiana, in parcels conformable to sectional divisions and subdivisions, a like quantity of public lands, after the same shall have been offered at public sale.

And thereafter, and finally, at the same May term, to wit, on the fourteenth day of June, A. D. 1849, was moved for in open court, granted, and recorded, the following

Order of appeal.

THURSDAY, *June 14th*, 1849.

Present, hon. Theo. H. McCaleb.

WIDOW OF J. M. PINTARD vs. THE UNITED STATES. } No. 136.

On motion of Logan Hunton, attorney of the United States for the eastern district of Louisiana, and of Thomas J. Durant, on the same behalf, and on giving the court to understand and be informed that the United States are injured and aggrieved by the judgment of this honorable court, rendered against them at this term in the matter of Pintard versus The United States, and desire to appeal therefrom:

It is thereupon ordered by the court, that an appeal be allowed in favor of the United States from the judgment aforesaid, returnable to the Supreme Court of the United States at the next term thereof after the date of this order.

And further, and finally, at the same term, to wit, on the seventh day of November, A. D. 1849, was filed of record in the clerk's office the following

Agreement in relation to transcript for Supreme Court.

EASTERN DISTRICT OF LOUISIANA, to wit:

In the district court of the United States for the said district.

PINTARD (widow of) vs. THE UNITED STATES. } 136.

The land claimed herein being a portion of that claimed by and adjudged to the heirs of John Lynd versus The United States, No. 120, and the evidence offered in this case being comprised principally in and drawn from the record of said case of Lynd, as set forth in the "consent submission of cause," filed May 31st, 1849:

It is mutually agreed between the plaintiff and the defendants that, in the record of appeal about to be sent up to the Supreme Court of the United States, only such documents as are actually filed in this case, with the record of proceedings had, shall be copied in the transcript, and that for all other evidence offered by the plaintiff reference shall be had to the record of the case of Lynd's heirs.

(Signed,) JANIN & TAYLOR,
For plaintiffs.
LOGAN HUNTON,
U. S. Att'y, E. D. of La.

New Orleans, Nov. 7th, 1849.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify, that the foregoing twenty-one folios and seven lines of manuscript contain and form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in chancery, wherein the widow of Pintard is plaintiff, and the United States are defendants, No. 136 of the land docket of said court.

In testimony whereof I have hereunto set my hand, and affixed the seal of said court, at the city of New Orleans, this sixteenth [SEAL.] day of September, one thousand eight hundred and forty-nine, and the 74th year of American independence.

N. R. JENNINGS,
Clerk U. S. district court, eastern dist. of Louisiana.

I, Theodore H. McCaleb, judge of the district court of the United States, for the eastern district of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due, and ought to be given, to all his attestations as such clerk, and that his above certificate is in due form of law.